

creation numbers, which have steadied and now begun to increase.

The point is, we can, we should, and we will do more. Today, we have an opportunity to further enhance the creation of jobs which are so needed here at home, by taking positive action to move the JOBS bill—that is, the Jumpstart Our Business Strength Act, the FSC/ETI bill—through this whole maze of parliamentary obstacles that are currently handcuffing this bill. It is important for us to do. We absolutely must accomplish that this week.

As most know, this bill brings together our trade and tax laws. It brings them in compliance with our trade agreements. It will also create tens of thousands of new jobs over the next several years. Given that much of the benefit of that legislation goes to U.S. manufacturing firms, these jobs are likely to be high-wage, high-skill jobs that are necessary to ensure strong economic growth.

As many of my colleagues know, the Europeans are already imposing tariffs on our exports. The tariffs started last month, March 1, at 5 percent of the \$4 billion authorized. They will increase 1 percent; that is, \$40 million, each and every month that passes. The tariffs, in effect, are a European tax on U.S. manufacturers, and they are devastating U.S. businesses.

According to the American Forest and Paper Association, in the forest products industry alone, approximately 1,400 jobs are at risk due to these tariffs. It is time for us to act; it is causing real economic hardship.

There is a company with operations in both Ohio and Wisconsin called Robbins Sports Surfaces. Jonathan Turner is their director of purchasing. He wrote an e-mail that summarizes why we need to act and to act now:

The estimated average value per year for all items that the EU has sanctioned has been about \$300,000.00 for my company. . . . Because competition is so fierce in these markets, any import duty will likely cost us that business to a European competitor. With the initial import duty, we cannot compete effectively in Europe at this time. We need to sell our products to the EU and are in favor of discontinuing this duty. For 10 years we have exported to the EU and are in danger of losing that market if FSC/ETI is not resolved.

That is just one example—Jonathan Turner's words in an e-mail.

A vote against cloture is a vote in support of this Euro tax, whether it is on Jonathan Turner or Robbins Sports Surfaces or thousands of other companies also facing these tariffs. So I do hope my colleagues will join me and others in voting in favor of cloture this afternoon so we can move forward on this important bill.

#### ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I mentioned earlier that we do want our colleagues to have a full 60 minutes for morning business. So at this juncture, I ask unanimous consent that the

morning business period be extended for the full 60 minutes, with the time divided as under the previous order.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the morning business allotted to the Democratic side be divided 15 minutes for the Senator from New Jersey, Mr. CORZINE, first; and 15 minutes for the distinguished Senator from Oregon, Mr. WYDEN, second.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONSIDERATION OF FSC/ETI

Mr. DASCHLE. Mr. President, I wanted to come to the floor to respond, if I could, to the comments made by the distinguished majority leader. He made a very good statement about the importance of the FSC/ETI bill. I do not know whether there is unanimous support for FSC/ETI, but I do know there is strong support for it. It passed by a large margin out of the Finance Committee, and I think there is a great deal of interest in passing it on the Senate floor. So this is not a question whatsoever about support for the bill.

We have been on the bill now for 7 days. This is the seventh day. We have actually had a vote on one amendment having to do with outsourcing—7 days, one vote. I am absolutely convinced if we had spent these 7 days working through the list of amendments—and I have the list in front of me—we would have finished this bill by now.

In fact, Mr. President, I ask unanimous consent that the list of amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1637, FSC/ETI BILL (2ND LIST)—UPDATED 1 P.M., MONDAY, MARCH 29, 2004

Bayh: (1) China trade laws; and (2) manufacturing.

Breaux/Feinstein: (1) Re-patriation.

Cantwell: (1) UI.

Corzine: (1) Trade barriers; (2) COBRA; and (3) trade enforcement.

Daschle: (1) Job creation package.

Dayton: (1) Strike all international provisions; (2) capturing tax credit; (3) housing; and (4) check the box.

Dorgan/Mikulski: (1) Runaway plants.

Feingold: (1) Buy America provisions.

Graham: (1) Strike international manufacturing and replace with job credit; (2) repeal of international title; and (3) relevant.

Harkin: (1) Overtime.

Harkin/Wyden: (1) No tax deduction for outsourcing.

Hollings: (1) Strike all international provisions.

Kennedy: (1) Family opportunity act; (2) strike some international provisions; and (3) notification (with Daschle).

Lautenberg: (1) Foreign subsidiaries doing business with terrorist nations.

Levin: (1) Tax shelters.

Miller: (1) Green bond.

Murray/Durbin: (1) Malpractice insurance tax credit.

Pryor: (1) IRA.

Reid/Dorgan/Coleman: (1) Production tax credit.

Schumer: (1) NY; and (2) China.

Stabenow: (1) Tax benefits for domestic production.

Wyden/Rockefeller: (1) TAA for services and health care.

Mr. DASCHLE. I have indicated to Senator FRIST that I feel strongly about the importance of working with him to try to finish deliberations on this bill. Instead, what we have gotten from some on the other side is just a lot of posturing.

This was the original bill: 378 pages. Well, they denied the Democrats the opportunity to vote on one amendment and came back with the second version; this has 567 pages. They denied the opportunity, once again, to offer Democratic amendments, but now they have 969 pages of new amendments. So what they are telling us this morning is that this amendment is OK, but Senate Democrats cannot offer any of their amendments that are relevant, that are certainly appropriate, but that would fall under cloture today.

I have urged my colleagues to reduce the number of amendments that they had intended to offer, and virtually every one of them has obliged. We started out with about 75 amendments. It came down to 40 amendments. Now it is down to around 25 amendments. If we had a finite list, I am sure we could work those down even more as we debated these amendments.

So I am troubled and, frankly, somewhat frustrated. Senator FRIST, since he has been majority leader, has had a very good managerial style, where he has come to the floor, he has allowed Democrats to offer their amendments, and we have worked through bill after bill, including a very complicated highway bill in a very short period of time. Well, this is not in keeping with that practice, and it is troubling to me.

About a week ago, I also indicated we would be prepared to finish the welfare bill this week if we could work through the amendments, and that was not possible either.

I hope people understand this has nothing to do with support of the bill. This has to do with support of having an opportunity to do what this Senate is supposedly known for, which is to have a vigorous debate in what is called the most deliberative body. Having one amendment in 7 days is not my idea of thoughtful deliberation. We have been hung up on procedure and hung up on issues that have nothing to do with the FSC/ETI bill as it relates

to stopping—I would say obstructing—Democrats from offering these amendments.

I am hopeful that once we get beyond this cloture vote, we can lay the bill down and we can work through these amendments. I will work with the majority leader to ensure we have adequate cooperation on this side, as I have offered from the very beginning.

#### MEDICAL MALPRACTICE

Mr. DASCHLE. Mr. President, the second issue, that I just mention briefly, has to do with the cloture vote on the medical malpractice issue that will come before the Senate this afternoon.

This bill actually differentiates between those who walk in the front door of a hospital and those who get emergency care. We objected last time we voted on this because it differentiated between men and women. Men and women would be treated differently under the bill that cloture was voted on a few weeks ago. Now our Republican colleagues add to that people who walk into a hospital or are taken into a hospital via an emergency room.

This draws a distinction that I think is inexplicable. If you are injured in an emergency room, under this legislation, you have virtually no legal recourse. If you are injured by walking through the front door of a hospital, you still have all the recourses that are allowed under Federal law. Drawing that distinction, to me, is not an improvement. That is not reform. Yet that is what some of our Republican colleagues have said.

On more than one occasion, Senator LINDSEY GRAHAM and Senator DICK DURBIN have said they are prepared to work, in a bipartisan way, to allow us the opportunity to address meaningful malpractice reform, including the high cost of malpractice insurance. But that is what it is going to take.

Having cloture votes on bills that draw a distinction between two circumstances that have nothing to do with punitive damages, or with economic damages for that matter, is something I think will get us nowhere. This vote, as all the other votes, will not be accepted. It again reminds us how important it is that we work together to find a real solution to malpractice, as Senators GRAHAM and DURBIN are doing.

#### CONFERENCE PROCEDURES

Mr. DASCHLE. Finally, Mr. President, let me just add one other troubling aspect to this discussion this morning, and that is the pension bill.

Our caucus will be discussing this matter this afternoon. I am hopeful we can find some way to address the issue of pensions in a meaningful way. I have indicated to Senator FRIST how concerned we are with the way pensions have once again been addressed in conference. We used this conference as a test to see whether Senators, in a bi-

partisan way, can work together, but once again Democrats were locked out of the discussions in a way that brought about a very questionable result.

The Senate voted 85 to 14 to support multiemployer and single-employer pension plans. We went to conference. We had a tentative agreement that at least 20 percent of the multiemployer pension plans would be addressed. We felt that was a sufficient effort to address some of the real plans in crisis.

Unfortunately, the White House told the conferees that that was unacceptable to them and, without consultation and without any effort to resolve the matter in some form of bipartisan compromise, Democrats once again, as we saw last year with the Omnibus legislation, with the Medicare prescription drug benefit, and with other bills, got the same result. It is no wonder our colleagues are so reluctant to go to conference. Once again, as the pension bill proved, the conferences are not working as they should.

It is for that reason many of us are very concerned about what now to do with the pension bill as it is presented. We will have a good discussion about that in caucus today and make some decision as we go forward.

This is not the way conferences should work. It is deeply troubling to many of us that again we find ourselves in exactly the situation that I warned would cause further problems were it to happen again. It has. I regrettably feel as if conferences in the future are going to be very difficult, if not impossible.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Oregon.

#### OPEC

Mr. WYDEN. Mr. President, in the last few days, the Foreign Minister of Saudi Arabia has said—and it has been widely reported by our country's two largest wire services—that Saudi Arabia was not contacted by the Bush administration over OPEC's recent decision to cut oil production by 1 million barrels per day. I was very troubled by these comments by the Foreign Minister of Saudi Arabia. I want to read

specifically what the Saudi Foreign Minister said when he was asked whether the United States had expressed its disappointment over OPEC's cut in oil production. The Foreign Minister of Saudi Arabia said:

I didn't hear from the Bush administration. I'm hearing it from you that they are disappointed.

This ought to be troubling to every Member of the Senate. Up and down the west coast of the United States, our constituents are getting mugged by high gasoline prices. In community after community, citizens are paying more than \$1.90 a gallon. The high driving season is just upon us, and escalating gasoline prices are going to be devastating to consumers and to our economy overall. We all understand consumer spending is a major driver of our economy today, and it is going to be harder and harder to grow the economy and create private sector jobs if these gasoline prices continue to skyrocket.

I am hopeful my colleagues on both sides of the aisle will support the resolution I have introduced urging that OPEC increase production. The reason I am hopeful for bipartisan support is that this resolution, in terms of its substance, is identical to one introduced on February 28, 2000, with our current Secretary of Energy, our friend, Spence Abraham, as one of the principal sponsors. Back then it was clear that our colleagues thought it was important, and we had a number of our colleagues who serve today, our friend Senator GRASSLEY, distinguished chairman of the Finance Committee, Senator SANTORUM, and others, all of whom said—and I share their view—that it is important for every administration to put the heat on OPEC in order to protect our consumers. It was important then to make it clear that it was the position of the U.S. Senate that OPEC boost oil production, and it is just as clear now.

At the time that resolution was adopted in March 2000, a resolution sponsored by then-Senators Abraham and Ashcroft, oil prices were in the \$25-per-barrel range with a high of \$27 per barrel in February of 2000. In recent weeks, oil prices have been in the range of \$35 per barrel, spiking up to \$38, a 13-year high, last month.

In 2000, then-candidate George W. Bush said it was important to put pressure on OPEC to boost oil production. I certainly share his sentiments. Yet with the comments of the Saudi Foreign Minister last week, it is clear that at best, there has not been a full court press in this administration on Saudi Arabia, on OPEC in order to increase gasoline production.

If ever there were an administration that had earned some bargaining chips to push Saudi Arabia to increase oil production, it is this administration. After 9/11, there was an effort to help the Saudis, a number of them, leave our country. When there was concern about charities and the role that charities had played in financing 9/11, it